

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 2:05-cr-119-MEF
)	
DON EUGENE SIEGELMAN)	
RICHARD SCRUSHY)	

ORDER

On November 3, 2005, Defendants Siegelman and Scrushy each filed a Motion for Recusal, requesting that U.S. Magistrate Judge Coody recuse himself from this action (Docs. # 32 & 33). On November 10, 2005, Judge Coody entered an Order and Memorandum Opinion on Recusal denying both motions (Doc. # 41). On November 23, 2005, Scrushy filed under seal a Motion for Reconsideration of Judge Coody's Order (Doc. # 56). Siegelman filed a similar motion on November 28, 2005 (Doc. # 58). On January 3, 2006, Judge Coody entered an Order denying both motions for reconsideration (Doc. # 84). Now before the Court are Defendants Scrushy and Siegelman's objections (Docs. # 97 & 98) to both Judge Coody's original Order denying the motions for recusal and his Order denying the motions for reconsideration. Defendants request that the Court grant the motions for recusal. In the alternative, Defendants request that the Court refer the motions to another magistrate judge for an evidentiary hearing or conduct its own hearing.

28 U.S.C. § 636(b)(1) permits a judge to designate to a magistrate judge to hear and

determine any pretrial matter.¹ The judge may reconsider any such matter “where it has been shown that the magistrate judge’s order is clearly erroneous or contrary to law.” 28 U.S.C. § 636(b)(1). The Court has reviewed Judge Coody’s Order and Memorandum Opinion on Recusal, the submissions of the parties, and the relevant case law, and has determined that it is not necessary for an evidentiary hearing to be held, either by this Court or another magistrate judge, prior to ruling on Defendants’ objections. The Court finds that neither Judge Coody’s Order denying the motions for recusal nor his order denying the motions for reconsideration are “clearly erroneous or contrary to law.” Thus, it is hereby ORDERED that

1. Defendants Scrushy and Siegelman’s requests for an evidentiary hearing are DENIED.
2. Defendants Scrushy and Siegelman’s objections (Docs. # 97 & 98) are OVERRULED and Judge Coody’s Orders (Docs. # 41 & 84) are ADOPTED.

DONE this the 19th day of January, 2006.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE

¹ 28 U.S.C. § 636(b)(1) sets forth a number of exceptions, none of which are applicable here.